

**MEMO
TOWN OF EATON
POLICE DEPARTMENT**

To: Officer Michael Swartz

From: Chief Kevin Sturch

Date:05/27/2022

**RE: Notice of Involuntary Separation from
Employment**

On Wednesday 05-18-2022 it came to my attention that your supervisor Cpl. Dwain Allen Jr, had received a text message from [REDACTED] who you take Jiu Jitsu lessons from. The message alleged that you had inappropriate contact with a [REDACTED]-year-old female by sending 150 texts to this minor. The parents of the minor came to [REDACTED] gym and made him aware of the conduct. This allegation was made by a member of the public.

That day, 05-18-2022, while Sgt. Matthew Rundle and Cpl. Dwain Allen Jr, were meeting with me regarding [REDACTED] and the parent's concern at my personal residence, I observed you drive past my residence. This was concerning as you were on a Driving while under the Influence (DUI) patrol and not regular patrol. It is not common for Officers on DUI patrol to patrol the neighborhoods. I was then contacted by Cpl. Dwain Allen Jr, who stated you were parked at the oil battery just outside my neighborhood. He was concerned because you had asked him

several times to “door up” which is a Police term to meet him and talk.

I then went to the PD, to meet with you as Sgt. Matthew Rundle had called you in to the PD. Because of the allegations from the family and business owner, I placed you on PAID, administrative leave. I gave you a memo advising you of such and you oddly replied to the memo, “She is [REDACTED] by the way”. I found this very odd due to the allegations of inappropriate texting a minor, no matter the minor’s age, by a Police Officer. This is a serious allegation no matter the age of said minor.

Due to the nature of this complaint Sgt. Rundle was assigned the criminal portion of this investigation. And Lt. Suter was assigned the Internal Affairs (IA) portion.

Lt. Suter concluded his investigation on Thursday 05/26/2022.

Military History:

During this IA, your military history was brought to light. During your hiring process you did not disclose that you were ever in the military, nor did you disclose that you were discharged in basic training. The Eaton Police Department application clearly asks for your military experience, and you chose knowing that you had been in the military to leave that blank on both the questionnaire as well as the job history section. This shows a lack of transparency and integrity.

Lt. Suter’s Findings:

- **There is Sustained Misconduct Not Based on Complaint in that Officer Swartz served in the U.S. Army as a 92F Fueler and did not make it through Basic Combat Training. This information is absent on his employment application, both in the Experience and Employment section and the Military Record section. This is a violation of:**

P&P Sec. 3.6 Dishonesty or untruthfulness

P&P Sec. 3.8.2 Members shall at all times conduct themselves with dignity and honesty, never using excessive force or violence, or displaying cowardice in the line of duty

P&P Sec. 3.18.1 The public demands that the integrity of its law enforcement personnel be above reproach. The dishonesty of a single departmental member may impair public confidence and cast suspicion upon the entire department.

P&P Sec. 3.18.2 Succumbing to even minor temptation can be the genesis of a malignancy which may ultimately destroy an individual's effectiveness and may contribute to the corruption of countless others. Each employee must scrupulously avoid any conduct which might compromise his/her own integrity or that of fellow officers and the department. Each employee has the obligation to tell the truth and report the dishonesty of another.

Inappropriate ongoing contact with a minor:

The IA investigation also shed light on a relationship between you and a [REDACTED]-year-old female.

The text message string consisted of 1134 texts from you to this minor, and reads as an adult forming a more than friendship relationship, including you asking if the minor wanted to get to know you outside of Jiu Jitsu training and how. The text inviting the minor to dinner, and the continued texting, making the minor feel bad by pressuring the minor for not texting back, are all elements of grooming and are both disturbing and inappropriate. If the general public was to read your texting to this minor it would no doubt bring discredit to this agency.

One text message that stands out is you explaining to the minor that you both could “get away with much more.” This text is concerning and shows that there is intent to elevate the relationship and again shows a lack of integrity as it appears that you are influencing a minor to get away with things that, if brought to the public eye, would yet again bring disgrace to this agency.

The text messages which were taken from the phone of the juvenile, showed a pattern of grooming which is in line with the department of justice definition. It is a standard practice for Police Officers to mentor youth, that being said, this was clearly not a mentorship relationship. It is not standard to meet minors alone outside the public eye. It is not standard to text a minor in the way you were texting the minor in this incident. It is clear

that this was an inappropriate relationship in which if brought to the light of the general public would create a concern for not only trust of the Eaton Police Department but would bring undo “darkness” to those who serve with integrity and pride within the Eaton Police Department.

The moral unwillingness to see fault with your actions in the relationship with this minor is concerning. It is not only the fact that you are an adult and communicating with a minor in the way that you not only communicated, but the fact that you are in a position of trust and power. The grooming element to your communication with this minor shows that your decision-making litmus is not that of a person who should be in a position of trust.

Your statements to Lt. Suter that the minor started the contact and started calling you best friend, so you went with it, is again concerning. You are an adult and a police officer, and should know that is not appropriate and you should have shut down the communication. Instead, you chose to continue the contact both in person and in text. Several citizens and members of the public who know you are a police officer have knowledge of your behavior and have stated that they thought it was inappropriate, as you are a public figure in a position of trust and should know what is right and wrong.

The fact that you believe it appropriate to be alone out of the public eye with a minor doing a sport that is very physical is of great concern and gives the appearance of an adult taking advantage of a minor. Your willingness to allow this to continue

for many months is concerning as you continued to treat this minor as an adult friend.

The messaging only came to an end when the minor made it clear that she wanted no further contact by texting you such. This was after what the minor says was several verbal warnings to leave her alone as well. The father of the minor said he was walking her to and from Ji Jitsu because he was concerned about the way you were acting with her. The minor and father were both concerned about her driving while you were on duty because they believed you may retaliate against her by using your authority as a police officer. For a citizen to be afraid of retaliation by a police officer is most concerning as we are tasked with protecting and serving this community with integrity and no citizen should fear any police officer misusing that power as a form of retaliation.

The minor's father went as far as saying he told her that if you were to stop her she was to find a well lit area before stopping. The minor was also searching to leave the Jiu Jitsu gym she has trained in well before meeting you. She was seeking a new location because she was trying to separate herself completely from all aspects that include you duo to what she deemed as harassing behavior, such as asking you to leave her alone and moving locations inside the gym, just to have you follow her to that area. This behavior is what led to her changing her attitude about you as she says she watched the way you treated other members with disrespect. The minor had to delete her social media as you would message her on snap chat Instagram if she

did not respond to your text messages. Again, this shows a pattern of excessive contact from you to a minor.

Previous Counseling and Reprimands:

You have been both verbally counseled and received written reprimands for your behavior in your 14 months of employment with the Eaton Police Department. This includes being verbally counseled April 28th 2021, for reaching out to a wife of an Officer from another agency and telling her you were in the mood to flirt. Your explanation was the Officer (husband) was talking about you so you felt “justified” in doing this, apparently as your way of retaliation.

On 06/01/2021 you received a written reprimand for failing to report for duty and absence from duty for missing a scheduled over-time (OT) shift. When your supervisor Sgt. Matthew Rundle, made contact with you for this you told him you “were not going to be lectured” by him.

You were given a written reprimand on 02/11/2022, for failing to report to a subpoena for a DUI case

There have been several complaints from other Eaton Police Department Officers for you being confrontational and unprofessional. It was brought to my attention that on 05-18-2022 you, in the presence of another Officer, got angry due to Det. Torres giving advice to a new Officer in reference to working nights. The witnessing Officer heard you state that Det. Torres should, “Shut the fuck up because he is a nobody and doesn’t know what he is doing.” You then opened the fridge and stated

that you were going to get fired and shut it and left. This type of conduct creates division inside the agency and is unacceptable.

You have had arguments with Eaton Fire Department employees, again showing a lack of professionalism and temper while on scene in public.

I have made several attempts to mentor you by having closed door meetings with you and explaining to you how you could do better by not taking things so negatively. I asked you several times if there was anything else we could do, as an agency, for you, and you always declined the offer, other than the aftermath of your officer involved shooting. These conversations occurred on several occasions over the tenure of your employment.

During your Officer Involved shooting incident, you were placed on administrative leave, and I made sure you were not rushed back to duty, so you had time to recover emotionally and mentally. I offered you mental health resources and reached out to our partners at North Range Behavioral Health and I passed on all contact information to you. On 10-06-2021, I also had you do a Psychological Debriefing to ensure you were mentally prepared to return.

In conclusion I have found that your actions have created a substantial risk to public and Eaton Police Department agency trust. I am making the decision to terminate your employment with the Eaton Police Department and the Town of Eaton, effective immediately.

You have one (1) week from today (June 3, 2022), to return all Eaton Police Department equipment. You are being paid for 80 hrs. and your overtime you have on the books for the pay period, and any vacation time that you have accrued but have not used.

The above has been discussed with me by my Chief of Police, Kevin Sturch. I understand the contents.



Employee, Michael Swartz

5/27/22

Date



Chief of Police, Kevin Sturch

5-27-22

Date



Witness LT. THOMAS SLITER

05/27/2022

Date

**Original: Employee File
Copy: Employee, Michael Swartz
Copy: Chief of Police, Kevin Sturch**